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to be the duty of the city health officer to abate or procure the abatement thereof, lays the expense of such abatement shall be collected from the person so offending.

SEC. 6. Any person violating any of the provisions of this ordinance shall be deemed ability of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$5, nor more than \$50, or by imprisonment in the city jail not more than 50 days, or by both such fine and imprisonment.

SEC. 7. This ordinance shall take effect upon its passage. [Ordinance adopted June 1, 1911.]

WACO, TEX.

MILK AND MILK PRODUCTS—REGULATION OF THE PRODUCTION AND SALE OF.

Be it ordained by the board of commissioners of the city of Waco: That article 17 and article 26 of an ordinance entitled "An ordinance providing for the care and management of dairies and the sale of milk," approved July 29, 1910, and recorded in Volume L, page 436, Ordinance Book, be and said article 17 and article 26 of said ordinances are so amended as to respectively read as follows, to wit:

"ART. 17. No person shall engage in the business of selling milk or butter or supplying any of the inhabitants of the city of Waco with milk or butter or milk food products without first obtaining a license therefor as provided in this ordinance, said license to be issued to the owner or manager of the dairy producing same. Said license shall run for six months or the unexpired portion thereof, July 1 and January 1 being the terminating date unless sooner revoked by the board of commissioners of the city of Waco as elsewhere provided for herein. No such license shall be issued to any person, firm, or corporation who has not complied with or is not complying with all of the laws and ordinances regulating the conducting of dairies and the sale of milk, butter, or milk food products in the city of Waco regardless of whether such dairy be situated within the corporate limits of the city of Waco or outside thereof, the question being the sale of milk and milk products in said city.

"Dairy licenses must be signed by the mayor and city secretary.

"No license shall be issued to any person engaged in such business unless he shall first file the following affidavit with the city secretary, accompanied by a certificate from the city food inspector as to the sanitary condition of the premises, conforming to the city ordinances relating thereto. Also a certificate of good health for each and every cow in his herd from a veterinarian approved by the city commissioners of the city of Waco upon the recommendation of the city's board of health.

I, _____, do solemnly swear that I am the owner (or manager) of a dairy situated at _____ and desire to engage in the business of selling milk, butter, and milk-food products to the inhabitants of the city of Waco. That at the time I had the examination, hereinafter referred to, made I had _____ head of cows in my dairy herd. That from _____ to _____, 19____, I had said entire herd examined with a tuberculin test by Dr. _____, a veterinarian approved by the city of Waco; that _____ head were found to be free from tuberculosis or other disease, and that _____ head reacted under the tuberculin test; and that I immediately caused all of those found so suffering to be branded "T. B." on the left shoulder in letters not less than 4 inches in height, and at once eliminated them from the herd and isolated or killed them.

I promise if granted the license here applied for to, in so far as possible, conduct my dairy and my said business in compliance with the laws of the State of Texas and the ordinances of the city of Waco; and I hereby agree that any officer or authorized agent of the city of Waco may at any time enter upon my premises, whether inside or outside of the corporate limits, and inspect my said dairy and cattle, method of handling the milk, etc., and may require any person in charge of any of my wagons delivering milk, butter, cream, or milk-food products in said city of Waco to furnish such person with samples of milk, butter, cream, or milk-food products to be tested by said city.

I further understand and agree that the license herein applied for may be revoked for any violation of or failure to comply with the laws of the State or the city ordinances governing, and with this understanding I hereby apply to the board of commissioners of the city of Waco for permission to engage in the business of supplying the inhabitants of the city of Waco with milk, butter, and milk-food products.

Sworn to and subscribed before me this _____ day of _____, 19____.

"Any conviction in the corporation court of the city of Waco shall immediately operate as a forfeiture of the license herein referred to, provided that if appeal be had from such conviction to the county court and the person appealing is acquitted in the county court, said forfeiture shall be thereby set aside, but it is intended and declared that said forfeiture shall remain in effect pending such appeal.

"A qualified veterinarian is here defined to be one graduated from a standard veterinary college and having the required qualifications also to make tuberculin tests as required by the city ordinance, and to pass generally on the health condition of dairy cows—having special reference to their milk as food product.

"He shall submit his credentials to the board of health of the city, who, if satisfied with his qualifications, will recommend him for approval to the city commissioners.

"The board of commissioners may, upon presentation to them of the affidavit and credentials herein provided for, grant to the person applying by such affidavit, a

license to carry on the business at the place, and as described in said affidavit that is unexpired part of the current license period as fixed by this ordinance, unless the same is sooner revoked as provided herein. The said license may be granted for motion made and carried in a regular meeting of the board of commissioners, may entered of record upon the minutes of said board, whereupon the city secretary shall issue such license under the seal of the city, and a fee of \$1 shall be charged thereof.

"All dairies licensed by the city of Waco shall be numbered and so registered in the city secretary's office.

"Their license shall indicate their number and all reference to them by veterinarians and inspectors shall be by their respective registered number.

"All wagons, cans, bottles, or vessels of any kind used to transport or deliver milk or milk products in the city of Waco shall bear the dairy's registered number, under penalty for noncompliance.

"Any person engaging in the business of selling milk or butter or supplying any of the inhabitants of the city of Waco with milk or butter or milk food products without first obtaining a license therefor, as provided by this article, or the agent or employee of any such person, or any such person, his agent or employee who shall fail to comply with any of the provisions of this article or engage in or aid or assist in conducting such business without having complied with all of the provisions of this article, or who shall violate any of the provisions hereof, shall for each and every offense be fined in any sum not less than \$10 nor more than \$100, and each day shall constitute a separate offense.

"When any person's license has been revoked by conviction, as herein provided, the board of commissioners shall not again grant such person a license after the first conviction within a period of three months, and after the second conviction shall not grant such license at all.

"ART. 26. Any person who shall violate any of the provisions of this ordinance, or any person, his agents or employees, who shall offer for sale or sell milk to any person in the city of Waco without first complying with all the provisions of this ordinance, or which said milk comes from a dairy not conducted or constructed in the manner required by this ordinance, or from any animal the sale of whose milk is not permitted, or is prohibited by the provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction fined in any sum not less than \$10 nor more than \$100, and each day shall constitute a separate offense: *Provided*, That it is not intended by this ordinance to supersede, set aside, or repeal in effect the State law, and it is contemplated and intended, when the facts are sufficient to constitute a breach of the State law, prosecutions shall be had under such State law even though the circumstances might also involve and constitute a violation of this ordinance, it being intended that prosecutions shall be had under this ordinance only when the facts, acts, or circumstances do not constitute a violation of the State law." [Ordinance passed July 14, 1911.]